

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KEVONTA THOMAS,

Plaintiff,

v.

ROBERT BURNS, JEFFREY WHITBECK,
LEE KERSTEN, BOBBY SMITH, THOMAS
KUPFERER, C. FALKENBERRY, J.
PARTRIDGE, JESSICA BIEN, CAROLINE
GROMMER, and LOGAN SIEFERT,

Defendants.

Case No. 21-cv-187-JPG-MAB

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 69) of Magistrate Judge Mark A. Beatty recommending that the Court deny Defendants Robert Burns, Jeffrey Whitbeck, Lee Kersten, Bobby Smith, J. Partridge, Jessica Bien, Caroline Grommer, and Logan Siefert’s (“Defendants”) Motion for Summary Judgment on the issue of exhaustion.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. The Court finds the factual findings and

rationale of the Report and Recommendation sound. Accordingly, the Court hereby **ADOPTS** the findings of fact and conclusions of law in the Report in its entirety (Doc. 69). Therefore, the Court **DENIES** Defendants Motion for Summary Judgment on the issue of exhaustion. This matter shall proceed.

IT IS SO ORDERED.
Dated: August 24, 2022

/s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE